

REMARKS

Applicants have carefully reviewed the Office Action mailed on May 9, 2007. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 1, 37, and 39 are amended. No new matter is added. Please cancel claims 2 and 38 without prejudice. Claims 1, 3, 7, 37, and 39-43 remain pending.

Elections/Restrictions

The Examiner indicated that claims 44-50 are withdrawn from further consideration pursuant to 37 C.F.R. 1.142(b). The listing of claims now identifies claims 44-50 as withdrawn.

Claim Objections

Claim 2 is objected to under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 2 is now cancelled, thereby rendering this objection moot.

Claim Rejections Under 35 U.S.C. §102

Claims 1-3, 37-41, and 43 are rejected under 35 U.S.C. §102(b) as being anticipated by Smith in U.S. Patent No. 6,235,026. Applicants respectfully traverse this rejection. Please note that claims 2 and 38 are now cancelled. Regarding claims 1 and 3, claim 1 is amended to recite that the snare loop includes one or more proximal legs directly connected to the second end of the swivel. Smith does not teach or suggest these limitations. For example, as apparently conceded by the Examiner at the bottom of page 3 of the Office Action, the Smith snare 24 is not directly attached to the swivel joint 290. Instead, the shaft 218 (to which snare 24 is coupled) is attached to a proximal shaft extension 292 and then the proximal end 294 of the proximal shaft extension 292 is coupled to the swivel tube 290. Column 5, line 63 through column 6, line 12. Based on these distinctions, Applicants respectfully submit that amended claim 1 as well as claim 3 depending therefrom are patentable over the cited art.

Regarding claim 37, this claim is amended to recite that the swivel includes a swivel body, that the snare loop includes one or more proximal legs, and that at least a portion of the one or more legs is disposed within the swivel body. Smith does not teach or suggest all of these limitations. Consequently, Applicants respectfully submit that amended claim 37 is patentable over the cited art.

Regarding claims 39-41 and 43, claim 39 is amended to recite that at least a portion of the legs is disposed within the second end of the swivel. Smith does not teach or suggest these limitations. Consequently, Applicants respectfully submit that amended claim 39 as well as claims 40-41 and 43 depending therefrom are patentable over the cited art.

Claim Rejections Under 35 U.S.C. §103

Claims 7 and 42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Fleury Jr. in U.S. Patent No. 4,326,530. MPEP §2143 states that in order to establish a *prima facie* case of obviousness, all the claim limitations must be taught or suggested. For the reasons set forth above, Applicants respectfully submit that Smith fails to teach or suggest all the claim limitations of claims 1 and 39. Fleury Jr. fails to overcome this deficiency. Consequently, Applicants respectfully submit that claims 1 and 39 are patentable over the combination of Smith and Fleury Jr., to the extent that such a combination is even possible. Because claims 7 and 42 depend from claims 1 and 39, respectively, they are also patentable over the cited art for the same reasons and because they add additional elements to distinguish them further from the art.

Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

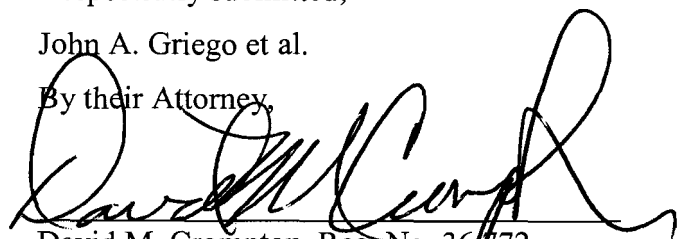
Date: _____

8/9/07

Respectfully submitted,

John A. Griego et al.

By their Attorney,



David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349